

ATTACHMENT A
Remarks

Claims 1-3 and 5-39 have been amended, and claim 4 has been canceled.

Applicant respectfully submits that the present application is in condition for allowance based on the discussion which follows.

In the Office Action, it was alleged that the Abstract of the Disclosure does not commence on a separate sheet, in accordance with 37 C.F.R. § 1.52(b)(4). However, contrary to the Examiner's statement, this requirement in a national stage (371) application is "improper" (see MPEP § 1893.03(e)) since the PCT published application contains an Abstract on a separate page. Accordingly, Applicant respectfully requests that the objection to the Abstract of the Disclosure be withdrawn.

Claims 1-39 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By this Amendment, Applicant has amended claims 1, 3 and 25, thereby obviating the rejection to the claims under 35 U.S.C. § 112, second paragraph.

Claims 1, 2, 5, 6, 8, 9, 23 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,813,027 (hereinafter "Misdom"); claims 1-3, 5, 6, 8, 9, 16-19, 24, 32 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,259,294 (hereinafter "Hartmann"); claims 1-9, 16-24 and 29-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Misdom or Hartmann, further in view of U.S. Patent No. 3,362,605 (hereinafter "Bixler"); claims 10-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the aforementioned references previously applied to claim 1, further in view of French Patent No. FR 2731986 (hereinafter "Menu"); claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the aforementioned references, further

in view of French Publication No. 2.133.279 (hereinafter "Vauchier"); and claims 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied to claim 1, further in view of U.S. Patent No. 3,471,078 (hereinafter "Seest").

In order to further highlight the distinctions between the present invention and all of the cited prior art, Applicant has amended claim 1 to include the subject matter of claim 4. Applicant respectfully submits that claim 1 is novel and not obvious over the prior art based on the recitation of a combination of elements not disclosed or obvious in view of the cited prior art, individually or in combination.

In order to provide a better understanding of the presently claimed invention, reference is made to the specification and figures for exemplary purposes only and not to in any way limit the scope of the claimed invention. Referring to Figure 1 of the present application, one distinguishing feature of the present invention is that the portion which is adapted to match the shape of the egg (8) is emphasized by its placement on the planar surface (20). The shape shown in Figure 5 clearly illustrates part of an egg, which is in sharp contrast to the prior art packages which merely have a curved segment spanning the front to the side of their respective cover parts.

Applicant respectfully submits that the present planar end faces of the cover part, which match the shape of an egg, is distinguishable from the package of Bixler. Although the Examiner had identified indentations 46,46' of Bixler as reflecting the shape of the eggs, indentations 46,46' do not read on the presently claimed portions corresponding to the shape of an egg. Further, 46,46' are not located at one or both planar end faces of the cover part or have the shape of a three-dimensional object

defined by a two-dimensional object being rotated about an axis of revolution substantially normal to the top surface of the cover part, as claimed.

The presently claimed invention provides for an indication that eggs are present in the packaging, which is distinguishable from the way in which the indication is provided in the cited prior art references. For example, Bixler provides for windows or openings in the cover part in order to render the packaged eggs visible, and thus indicate that the packaging unit contains eggs. In sharp contrast, in the present invention, one will know the present package is for containing eggs by an egg-like shape or projection provided on the planar end faces. The egg-like shape is in the form of a three-dimensional object defined by a two-dimensional shape being rotated about an axis of revolution substantially normal of the top surface of the cover part. From a manufacturing technical point of view, the present invention presents a far simpler solution to identifying the contents of a container without having to open the package to observe its contents. Thus, the present package provides for a more secure packing of eggs, as one avoids risk of damaging of the eggs which might occur if one were to open the package.

Based on the foregoing, Applicant respectfully submits that the present invention is not anticipated or obvious in view of the cited prior art.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

END REMARKS